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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,094	04/11/2001	Suguru Nakada	Q64033	8669
7590 06/06/2005			EXAMINER	
SUGHRUE, MION, ZINN, MACPEAK & SEAS			LE, VIET Q	
2100 Pennsylvania Avenue, N.W.			ART UNIT	
Washington, DC 20037			PAPER NUMBER	
			2667	
DATE MAILED: 06/06/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/832,094	<b>Applicant(s)</b> NAKADA, SUGURU	
	<b>Examiner</b> Viet Q. Le	<b>Art Unit</b> 2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5 and 6 is/are rejected.
- 7) ☒ Claim(s) 3-4 & 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This communication is in response to applicant's amendment filed on 01/14/2005. Claims 1-7 are pending.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2 & 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura (US Pub. No. 2001/0008524) in view of Miura (EP 0982871A2).

Regarding claims 1 & 2, Nakamura disclosed a communication method between base station and communication terminals comprising steps of: receiving preamble signals from communication terminals and utilizing internal logic to decide whether or not to transmit to communication terminals allowing or disallowing communication access to the base station. (See Fig. 1; Fig 2, block S1, S3, S4; see column 2, lines 1-10 of page 2).

Nakamura failed to disclose the calculation of the propagation delay from the received preamble signals and also storing the propagation delay times for the rejected signals.

Miura teaches the use of correlating the propagation delay to a value from a received signal and compare it to a certain stored threshold value (See page 3, column 4, paragraph 17. The storing of the propagation delay times of all signals including the rejected signals are inherent because the system must have memory to store these correlated values to compare these correlated values to the threshold values).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Nakamura method to incorporate Miura method of correlating the propagation delay to a received preamble signal and store the propagation delay times to the memory for rejected signals. The motivation is to use the correlated value as an address for identifying the rejected signals to provide priority to these same communication terminals when they request communication to the base station at a later time.

Regarding claim 5 & 6, Nakamura discloses a communication system or apparatus communicating between the base station and communication terminals comprising of: the receiving unit (See Fig. 1, blocks 4 and 6; Fig. 2, block S1; See page 2 and 3, paragraph 19-24), the correlation unit (See Fig. 1, block 12; See page 2 and 3, paragraph 19-24), the preamble determination unit (See Fig. 1, block 12; See page 2 and 3, paragraph 19-24), the code generation unit (See Fig. 1, block 14 ad 16; Fig. 2,

block S4; See page 2 and 3, paragraph 19-24) and the memory unit (See Fig. 1, block 20; See page 2 and 3, paragraph 19-24).

Nakamura failed to disclose the calculation of the propagation delay from the received preamble signals and also storing the propagation delay times for the rejected signals.

Miura teaches the use of correlating the propagation delay to a value from a received signal and compare it to a certain stored threshold value (See page 3, column 4, paragraph 17. The storing of the propagation delay times of all signals including the rejected signals are inherent because the system must have memory to store these correlated values to compare these correlated values to the threshold values).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Nakamura method to incorporate Miura method of correlating the propagation delay to a received preamble signal and store the propagation delay times to the memory for rejected signals. The motivation is to use the correlated value as an address for identifying the rejected signals to provide priority to these same communication terminals when they request communication to the base station at a later time.

***Allowable Subject Matter***

4. Claims 3-4 & 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

5. Applicant's arguments filed on January 14, 2005 have been fully considered but they are not persuasive.

6. Applicant argues on page 15 of claim 1 & 2 that both Nakamura and Miura failed to teach or suggest the element of storing propagation delay times for terminals, which received signals for rejecting random access.

Examiner respectfully disagrees. Miura teaches the use of correlating the propagation delay to a value from a received signal and compare it to a certain stored threshold value (See page 3, column 4, paragraph 17). The storing of the propagation delay times of all signals including the rejected signals are inherent because the system must have memory to store these correlated values to compare these correlated values to the threshold values).

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7. Applicant argues on page 16 of claim 5 & 6 that both Nakamura and Miura failed to teach or suggest the element of storing propagation delay times for terminals, which received signals for rejecting random access.

8. Examiner respectfully disagrees. Miura teaches the use of correlating the propagation delay to a value from a received signal and compare it to a certain stored threshold value (See page 3, column 4, paragraph 17). The storing of the propagation delay times of all signals including the rejected signals are inherent because the system must have memory to store these correlated values to compare these correlated values to the threshold values).

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Q. Le whose telephone number is 571-272-2246.

The examiner can normally be reached on 8 AM -5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ken Vanderpuye can be reached on 571-272-3078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VL

  
**KENNETH VANDERPUYE**  
**PRIMARY EXAMINER**